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January 8, 2021

VIA ECF

Hon. Claire C. Cecchi
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: In re Biogen '755 Patent Litigation, C.A. No. 10-2734 (CCC)(MF)

Dear Judge Cecchi:

I write on behalf of Defendant Bayer HealthCare Pharmaceuticals Inc. ("Bayer") regarding the above-captioned matter. As the Court will recall, Biogen MA Inc.'s case involving Bayer and Novartis Pharmaceuticals Corp. ("Novartis") was severed from its case against Defendants EMD Serono, Inc. and Pfizer Inc. (collectively, "the Serono defendants") but remains pending under the same case number. ECF No. 743.

Because the sole patent claim asserted against Bayer (claim 1 of U.S. Patent No. 7,588,755) is invalid under the Federal Circuit's decision in the Serono defendants' case, *Biogen MA Inc. v. EMD Serono, Inc.*, 976 F.3d 1326, 1335, 1337 (Fed. Cir. 2020), Bayer is entitled to final judgment. In view of the Serono defendants' letter request for entry of judgment in its case, ECF Nos. 1110, 1111, Bayer writes to advise the Court that Bayer intends to file a motion for judgment on or before January 15, 2021. Bayer understands that Novartis intends to join in this motion.

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We thank the Court for its consideration and assistance in this matter.

Respectfully submitted,

GREENBAUM, ROWE, SMITH & DAVIS LLP

/s/ C. Brian Kornbrek

C. BRIAN KORBREK

CBK/mep

cc: Counsel of Record via ECF and email